

PATENT

09/575,609

Amendment in Reply to Final Office Action of October 2, 2003

REMARKS

Reconsideration of the present application is respectfully requested.

In the Final Office Action, claims 1-3, 9-11, 13, 15, 17, 19 and 21-26 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. 6,078,879 (taori). Further, claims 4, 5, 12, 14, 16, 18 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over taori in view of U.S. 5,647,005 (Wang). In addition, claims 6-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over taori in view of Wang and further in view of Sluijter ("a Time Warper for Speech Signals," Proceedings of IEEE Workshop on Speech Coding Proceedings. Model, Coders, and Error Criteria, Porvoo, Finland, 20-23, June 1999, pages 150-152). Applicants respectfully traverse these rejections and submit that claims 1-26 are patentable over Taori, Wang and Sluijter for at least the following reasons.

Taori shows an encoder 4 in FIG 2 that outputs signals through a multiplexer 22 to a decoder 14 shown in FIG 7. In particular, voiced and unvoiced speech coders 16, 14 of the encoder 4 represent the input signal  $S_s[n]$  by a gain and LPC parameters, where a

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refined pitch is also used to represent voiced speech. The refined pitch is produced by pitch determination means which includes pitch tuning means being a pitch range computer 38 shown in FIG 3 and discussed on column 4, lines 54-57. According to the Examiner as noted on page 18 of the Final Office Action, "the pitch tuning means could also easily determine a signal that represents a frequency change..." (Emphasis added)

It is respectfully submitted that a reference that teaches means that COULD produce a frequency change, where there is no mention or suggestion of such a frequency change, cannot be the basis to reject claims that specifically recite "frequency change determining means for determining a frequency change", as recited in independent claims 1, 9 and 15, as well as independent claims 13, 17, 19, 21 and 25 which specifically recite a frequency change signal and/or using the frequency change signal to derive the audio signal. Otherwise many novel inventions would not be patentable. Further, "anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim" Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984). Taori does not teach or

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suggest a frequency change signal or means that actually produce a frequency change, as recited in independent claims 1, 9, 13, 15, 17, 19, 21 and 25, let alone using such a frequency change signal to derive the audio signal, as recited in independent claims 13, 17 and 21. Therefore, independent claims 1, 9, 13, 15, 17, 19, 21 and 25 are not anticipated by Taori.

Wang and Sluijter are cited to show compression/expansion of the audio signal, and selection of highest peak in the autocorrelation function, and do not remedy the deficiencies in Taori. Accordingly, it is respectfully submitted that independent claims 1, 9, 13, 15, 17, 19, 21 and 25 be allowed. In addition, as claims 2-8, 10-12, 14, 16, 18, 20, 22-24 and 26 depend from independent claims 1, 9, 13, 15, 17, 19 and 21, applicants respectfully request that claims 2-8, 10-12, 14, 16, 18, 20, 22-24 and 26 also be allowed over the prior art of record.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

If any informalities remain, the Examiner is requested to telephone the undersigned in order to expedite allowance.


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Please charge any fee deficiencies and credit any overpayments  
to Deposit Account No. 14-1270.

Respectfully submitted,

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